



UNITED STATES
DEPARTMENT OF LABOR

Promoting and Protecting Opportunity

DOL News Brief

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January 9, 2014

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WINNER OF 2013 AVA DIGITAL GOLD AWARD & NAGC AWARD OF EXCELLENCE

A New Kind of War Begins



"This administration today, here and now, declares unconditional war on poverty in America." With those words, spoken 50 years ago this week, President Lyndon B. Johnson set in motion a series of reforms that

led to a dramatic rethinking of the nation's social dynamics and a reinforcement of the foundational promises of equality and opportunity for all Americans. It would propel a new vision of domestic economic policy for decades. Johnson's first State of the Union address to Congress on Jan. 8, 1964, where he introduced the concept, came at a time when a somber pall still hung over Washington. It was little more than a month after the assassination of President John F. Kennedy. The vision of renewal that Americans needed in that moment required a wide-ranging approach that transcended traditional policy boundaries: "Our chief weapons in a more pinpointed attack will be better schools, and better health, and better

homes, and better training, and better job opportunities to help more Americans, especially young Americans, escape from squalor and misery and unemployment rolls," Johnson said. As it had in the social welfare programs of earlier generations — notably the New Deal and the pioneering reforms of Frances Perkins — the Labor Department would play a critical role in waging Johnson's war, overseeing the establishment of Job Corps, undertaking reinvigorated employment and training programs, ramping up new services for job-seekers and more. As President Obama remarked on this week's anniversary, "These endeavors didn't just make us a better country. They reaffirmed that we are a great country."



- [Read Secretary Perez's Statement](#)
- [Watch LBJ's 1964 State of the Union Address](#)
- [View the Centennial Timeline](#)

What's New

A Push to Extend Jobless Benefits for the Long-term Unemployed

With the expiration of Emergency Unemployment Compensation benefits at the end of 2013, the new year has brought extra challenges for 1.3 million long-term unemployed Americans.

U.S. Secretary of Labor Thomas E. Perez has met with people impacted by the loss of EUC to discuss what renewing the



program would mean for them. On Jan. 8, he welcomed to department headquarters 14 long-term unemployed Americans from New Jersey, Maryland and Virginia. The group included experienced and highly educated professionals from fields such as financial services, health care and information technology. Several participants noted that their unemployment benefits replace less than one-third of their prior income, forcing them to dip into retirement savings, risk foreclosure and make hard financial decisions. "I have undeniable hope and I have the American spirit and I will fight through this. But I need a job," said one participant who has been unemployed since October 2012. Two days earlier, Perez met with Katherine Hackett, a single mom from Moodus, Conn. After 17 years in the health-care industry, she was abruptly let go. Since then, Hackett has relied on unemployment benefits to just barely cover her mortgage and health benefits, leaving her with \$8 a day for food. Hackett shared her story with the nation as she introduced President Obama at a Jan. 7 news conference where the President urged Congress to pass an extension of unemployment benefits. On Jan. 3, Perez talked by satellite with TV affiliates from across the country to emphasize the need to extend UI benefits and support fellow Americans during challenging times. "It would be unprecedented, given the current rate of long-term unemployment, for Congress to fail to act to extend these benefits," Perez said during an interview.

- [View the Slideshow](#)
- [Watch Secretary Perez on CNN](#)
- [See the Impact on States](#)
- [See Where Jobs Will Be Lost](#)
- [Read the Secretary's Statement](#)

National News

Mining Deaths Sharply Higher, Following Record Low Fatality Rates

In 2013, 42 miners died in work-related accidents at the nation's mines,

- [View the Centennial Video](#)
- [Suggest a Centennial Moment](#)

(Work in Progress) The Best of Our Blog

Each week, this space will bring you the best from our ([Work in Progress](#)) blog.

• [The Dignity of Work: Katherine Hackett's Story:](#)

At the end of last year, Emergency Unemployment Compensation benefits expired, and, until then, those benefits helped workers keep food on the table and a roof over their heads while looking for work. After meeting one of these workers this week, Secretary Perez tells her story. "Katherine Hackett has done everything America has asked of her," Perez writes. He goes on to explain that "she isn't coasting, sitting around the house and enjoying the good life. The mere suggestion is offensive. She is working every day to try to find a new job, sending out resume after resume, applying for every position for which she might be qualified." After their meeting, Hackett introduced President Obama at an event at the White House, where he called for the extension of EUC to be the nation's first order of business in 2014.

• [One for the Books — The Biggest Mistake Young Workers Make:](#)

Using examples from the department's Books that Shaped Work in America project, such as Studs Terkel's "Working" and Arthur Miller's "Death of a Salesman," Assistant Secretary of Labor for Employee Benefits Security Phyllis C. Borzi explains how literature can be a wonderful tool for introducing young people to the world of work. She explores how these books can even help students and young workers avoid the mistake of assuming that retirement is something only old people need to worry about and begin educating themselves about saving for the future.

• [The 1960s: A Defining Era:](#) Writing about the department's 100 years of history decade by decade, Carl Fillichio, head of the Office of Public Affairs and chair of the department's centennial, reaches the 1960s, the decade that he was born in and one that significantly shaped the world in which he grew up. During that decade, the department was at the forefront of the social progress that "changed America for the better," with its advances in civil rights, economic opportunity programs, safety and health protections, poverty reduction, and much more.



Five More Books on the List

Based on public input, the department has added another five titles to the list of Books that Shaped Work in America, bringing the number to 102. They are: "Sister Carrie" by Theodore Dreiser,

according to preliminary data released by the Mine Safety and Health Administration. This number marked an increase from the 36 miners who died the previous year. While mining fatalities occurred at a record low rate for the first three quarters of 2013, 15 miners died during the last quarter of the year. "Mining deaths are preventable, and those that occurred in 2013 are no exception," said Joseph A. Main, assistant secretary of labor for mine safety and health. "It takes the entire mining community to continue to reach new milestones in health and safety. Miners need the reassurance that they will return home safe and healthy after every shift."

- [Read the News Release](#)
- [View Mine Fatality Statistics](#)

News You Can Use

How Cold Is Too Cold?

Baby, it really is cold outside! In the wake of the polar vortex and winter storm Hercules, temperatures have plummeted to record lows across much of the United States. Despite the frigid and dangerous weather conditions, many employees still have to perform the bulk of their work outside, including



construction workers, snow clean-up crews, firefighters, police officers and miners. Recently, Mandy Edens, director of Technical Support for the Occupational Health and Safety Administration, detailed the factors leading to cold stress, the potentially deadly consequences, and how employers can protect their workers. OSHA offers a variety of resources and tips to ensure a safe and healthy winter for all workers.

- [Read the Blog](#)
- [OSHA's Winter Weather Resource Page](#)

2014-2015 Occupational Outlook Handbook

In addition to calculating critical economic data such as the monthly unemployment rate, the Bureau of Labor Statistics maintains and updates a career guide with detailed information for more than 300 occupations. The most recent edition of the Occupational Outlook Handbook was published on Jan. 8, and features information on general job descriptions of occupations, the typical work environment, training and credentials necessary to enter a field, as well as average earnings. The catalog is widely used by students, job seekers and career guidance professionals.

- [Read the Handbook](#)
- [Read the Blog Post](#)

Roadmap to Success for High School Students

The Office of Disability Employment Policy has released a toolkit and checklist to help high school students make the most of their Individualized Learning Plans. ILPS are used to personalize learning, engage students and prepare them for life beyond high school. Through student-directed college and career exploration activities, students can take charge of their futures. ILPs also allow students with disabilities and their families to engage in comparatively early and in-depth transition planning, because they generally start while a student is in middle school and are updated frequently. The ODEP material, which provides practical guidance and real-life examples, can help young people plan for success.

- [Read the Blog Post](#)
- [View the Guide](#)

published in 1900; "Let Us Now Praise Famous Men" by James Agee and featuring photographs by Walker Evans, published in 1941; "Aftershock: The Next Economy and America's Future" by former Secretary of Labor (and an essay contributor to the department's book project) Robert Reich, published in 2010; "The Pilgrim's Progress" by John Bunyan, published in 1678; and "Good to Great: Why Some Companies Make the Leap... And Others Don't" by Jim Collins, published in 2001. What books shaped your view of workplaces, workers and work? Send us your recommendations for titles to add to the list.

- [Read the Blog Post](#)
- [Books that Shaped Work in America](#)

Dialogue With the Retail Industry

During a meeting with representatives of the Retail Industry Leaders Association on Jan. 6, Secretary Perez discussed partnership opportunities such as hiring and training veterans and developing a skilled workforce, while exploring ways the department can be a resource for retail companies. The association represents more than 200 retailers, product manufacturers and service suppliers. RILA accounts for more than \$1.5 trillion in annual sales, millions of American jobs and more than 100,000 stores, manufacturing facilities and distribution centers. Perez met with Sandra L. Kennedy, president of the association, and Annette Guarisco Fildes, the group's executive vice president of public affairs. The meeting began a dialogue to foster future collaboration between the retail industry and the department to develop best practices that support workers and build a strong business model and economy for the future.



Partnering With Ford Foundation



Representatives of one of the department's great partners, the Ford Foundation, met with Secretary Perez and senior departmental staff on Jan. 8 to

explore how the foundation and the department can continue working together. Past efforts have included support for research, training and other activities, such as coordination with the Occupational Safety and Health Administration on providing safety equipment to day laborers involved in the Hurricane Sandy cleanup. Attending the meeting from the Ford Foundation were Helen Neuborne, director, quality employment; Anna Wadia, program officer, quality employment; and Laine Romero-Alston, program officer, quality employment.

DOL Working for You

Navy Veteran Turns Passion for Engineering Into Employment



Marcus Townsell was a whiz at computer programming and electronics, which he used to test aircraft during his tour in the Navy. After getting an electrical engineering degree, he spent a number of years in the electric power industry, designing gas turbines and assessing nuclear plants. However, an economic downturn led to Townsell losing his job. He sought career help from Alvin Byers, a Disabled Veteran Outreach Program Specialist located at the KANSASWORKS workforce system offices in southern Kansas.

Byers, an Army veteran, helped Townsell develop a career plan for employment, improve his resume and hone his interview skills. Byers' assistance "was invaluable," Townsell said of the service he received. Byers remarked that Townsell "was passionate about engineering," and he felt certain he could help him land a good-paying job. Townsell ultimately was hired as an electrical engineer with a large corporation in Oklahoma.



DOL in Action

Company Told to Stop Retaliating Against Ill, Fatigued Truck Drivers

Oak Harbor Freight Lines Inc was ordered by the Occupational Safety and Health Administration to compensate a Portland, Ore., worker who refused to drive in violation of safety regulations. OSHA also has ordered the trucking company, based in Auburn, Wash., to stop retaliating against workers who refuse to drive trucks while too ill or fatigued to safely operate vehicles at its facilities. The company suspended the commercial truck driver without pay indefinitely before firing him in retaliation for refusing to drive in violation of the Ill or Fatigued Operator Rule enforced by the Federal Motor Carrier Safety Administration. OSHA's investigation found the driver had notified the company that he was sick and taking a prescribed narcotic cough suppressant.

- [Read the News Release](#)
- [View the Rule on Ill or Fatigued Operators](#)

Emergency Funds for Storm-ravaged Communities in Mississippi

To continue with cleanup and recovery efforts resulting from a series of severe storms, tornadoes and flooding in Mississippi last February, the department has awarded an \$833,835 National Emergency Grant incremental award to the affected communities. The grant was first approved in March for up to \$2 million with \$1 million initially released. The most recent incremental award brings the total funds awarded for this project to \$1,833,835, which is projected to create 95 temporary jobs. The funds are being awarded to the Mississippi Department of Employment Security to create temporary jobs for eligible individuals to assist in cleanup efforts. Acting Assistant Secretary of Labor for Employment and Training

Web Chat on Silica Proposal

The Occupational Safety and Health Administration will host a web chat to discuss its proposed rule on occupational exposure to crystalline silica on Jan. 14, from 1 p.m. to 3:30 p.m. (EST). Inhalation of respirable crystalline silica particles puts workers at risk for preventable diseases, including silicosis, lung cancer, chronic obstructive pulmonary disease and kidney disease. The web chat will provide an opportunity for participants to ask OSHA staff questions related to the proposal, and get clarification on risk assessment, economic impact analyses, economic and technical feasibility. It is also an opportunity to learn how to participate in the regulatory process and submit comments to the rulemaking record.

- [Join the Web Chat](#)
- [Learn About the Rulemaking](#)

Did You Know?

One-hundred years ago this week, Henry Ford announced that he would more than double the wages of many of the workers at his Model T assembly plant in Dearborn, Mich.



On Jan. 5, 1914, Ford said he would begin paying them \$5 per day. His primary purpose in paying a significant minimum wage was to reduce worker turnover; however, he also reduced the workday from nine to eight hours and was able to run three shifts instead of two, thereby increasing output. This increased efficiency allowed Ford to produce inexpensive cars in volume, and he found new customers in his employees who could now afford to buy them. Also, people flocked to Michigan from all over the world seeking a chance to work for Ford. A century ago, Ford intuited what academic research has concluded in more recent years: that minimum wage increases have little to no negative effect on employment, reduce employee turnover, increase productivity and stimulate economic growth as low-wage workers have more money to spend. As Ford said, "Countrywide high wages spell countrywide prosperity." While not as strong in its buying power as \$5 per day was in 1914, the current federal minimum wage is what many American workers rely on. And with its buying power slipping greatly since it was last raised more than four years ago, President Obama is urging Congress to increase it, so that "We reward an honest day's work with honest wages."

- [Learn About Raising the Federal Minimum Wage](#)
- [Learn About Ford's Plan](#)

Weekly UI Claims

The department reported that the advance figure

Eric M. Seleznow has recorded a radio actuality on National Emergency Grants that is available for public use.

- [Listen to the Radio Actuality](#)
- [Read the News Release](#)

Forever 21 Fined for Exposing Employees to Repeat Hazards

Fashion retail chain Forever 21 has been fined \$236,500 by the Occupational Safety and Health Administration for exposing employees to repeat safety hazards at its stores in Paramus, N.J., and Manhattan, N.Y. After receiving complaints last July, OSHA inspected both stores and found violations that included obstructed exit routes, an improperly mounted and not readily accessible fire extinguisher, stored material that was not secured against sliding or collapse, and fluorescent lights that had no cover to prevent accidental contact or breakage.

- [Read the News Release](#)

Extension on Injury, Illness Proposal

The public will have until March 8 to submit comments on the Occupational Safety and Health Administration's proposal to improve tracking of workplace injuries and illnesses, the agency announced on Jan. 6. The comment period was extended 30 days in response to a request from the National Association of Home Builders. Additionally, an informal public meeting on the proposal was held at the department on Jan. 9 and will continue through Jan. 10 to collect input from members of the public. The proposed rule would amend recordkeeping regulations to add requirements for the electronic submission of injury and illness information that employers are already required to keep under OSHA's regulations for recording and reporting occupational injuries and illnesses.

- [Learn About the Proposal](#)

Trucking Company Blacklisted Driver, Investigation Finds

An investigation by the Occupational Safety and Health Administration found that Springfield, Mo.-based trucking company New Prime Inc. retaliated against a truck driver by blacklisting him in the commercial transport industry after he sought medical attention for a work-related injury. As a result, OSHA has ordered the company to pay the former employee \$100,994 in back wages and damages and take other corrective action, including expunging the complainant's employment and driving records of any reference to his unlawful termination.

- [Read the News Release](#)

Virginia Union to Rerun Officer Election

The American Federation of Government Employees Local 53 in Norfolk, Va., has agreed to conduct new nominations and a new election for president, four vice president positions, secretary, treasurer, chief steward and trustee. The election will be supervised by the Office of Labor-Management Standards and will take place on or before March 14. An OLMS investigation of the challenged February 2013 election disclosed that the local failed to provide all members with a notice of nominations; provide adequate safeguards and mail election notices or ballot packages to members' last known home address; and ensure members the right to a secret ballot when the membership mailing/eligibility list, ballots and related ballot envelopes were numbered, thereby compromising voter confidentiality.

Willful Violations Found in Fatal Roofing Accident

James J. McCullagh Roofing Inc. of Jenkintown, Pa., has been cited by the Occupational Safety and Health Administration for 10 alleged safety violations — including three willful. This action followed an investigation of a fatal accident last June when a worker fell 45 feet from a roof while performing roofing repairs on a church in Philadelphia. The willful violations were issued for a lack of fall protection for employees performing roofing

for seasonally adjusted initial Unemployment Insurance claims was 330,000 for the week ending Jan. 4, a decrease of 15,000 from the previous week. The four-week moving average was 349,000, down 9,750 from the previous week's revised average.

- [Read the News Release](#)

Calendar Highlight

Jobs Report Webinar

Following the release of the monthly Employment Situation report, the department's chief economist, Dr. Jenny Hunt, will participate in a webinar to discuss the data in the report, highlighting trends and other data. The webinar, hosted by Business Forward, will take place on Jan. 13 at 4 p.m.

- [Register for the Webinar](#)

Upcoming Deadlines & Events

[Open Funding Opportunities](#)

OASAM — Vendor Outreach Session

- [January 22 — Washington, DC](#)

OFCCP — Affirmative Action Program Development for Small or First-Time Supply and Service Contractors

- [January 29 — Los Angeles, CA](#)

OFCCP — Best Practices for Corporate Management Compliance Evaluations

- [February 12 — Memphis, TN](#)

OFCCP — Common Problems Areas for Federal Contractors

- [January 16 — Houston, TX](#)

OFCCP — Construction Companies and OFCCP Compliance

- [January 22 — Detroit, MI](#)

OFCCP — Construction Compliance Evaluations in 16 Steps

- [February 4 — San Francisco, CA](#)

OFCCP — Laws Enforced by OFCCP

- [February 19 — Detroit, MI](#)

OFCCP — Moving Toward Compliance with Section 503 and VEVRAA

- [January 16 — Webinar](#)

OFCCP — Scheduling and AAP Requirements

- [February 21 — Houston, TX](#)

OPA — Secretary's Jobs Briefing with U.S. Department of Labor's Chief Economist

work as high as 45 feet from the ground level and a lack of fall protection for employees working from a roof bracket scaffold.

- [Read the News Release](#)

Ohio Restaurant Owner Sued After Demanding Workers Return Pay

The department has filed a lawsuit against Ohio restaurant Dancing Wasabi Hyde Park, Inc., and Chang Hee Choi, owner, after workers told investigators they were ordered to return checks issued for back wages from a previous investigation by the Wage and Hour Division. When they refused, they were fired by the sushi restaurant's owner. "This is a particularly egregious case in which vulnerable workers, who have limited English-language proficiency, were intimidated by their employer to kick back their legally earned wages," said George Victory, district director for the Wage and Hour Division in Columbus. "What makes this so egregious is that the restaurant violated a compliance agreement with the department, signed in early 2013 as a result of a prior investigation, to pay the back wages and comply with the Fair Labor Standards Act."

- [Read the News Release](#)

Worker Exposed to Trenching Hazards

After a worker was injured in a trenching collapse, the Occupational Safety and Health Administration cited DNT Construction in Round Rock, Texas, with multiple safety hazards at a San Antonio work site. When OSHA arrived at the site to conduct the investigation, another worker was in the same trench and exposed to similar hazards as the injured worker. At the time of the inspection, the worker was inside a seven-foot-deep trench without sloping, benching or shoring up. OSHA standards mandate that all excavations 5 feet or deeper be protected against collapse. Proposed penalties total \$89,000.

- [Read the News Release](#)

Texas Bedding Manufacturer Faulted for Safety Hazards

Sonic Component Systems LLC has been cited by the Occupational Safety and Health Administration for nine violations, including three repeat safety violations, from the June 2013 inspection of the Corsicana, Texas, facility. The three repeat violations includes failing to provide required guarding on machines, sprockets, and chains and ensure that strain relief was provided on electrical cords. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. The company was cited for similar violations in February 2013. Proposed penalties total \$40,810.

- [Read the News Release](#)

Family, Medical Leave Violations Found at Big Lots Store

A Bradenton, Fla., Big Lots Store has paid a former employee \$8,787 following an investigation by the Wage and Hour Division that found the company violated the Family and Medical Leave Act. The investigation determined the employer terminated the worker's employment for absences from work that should have been protected as FMLA leave because the employee was taking the time off to care for a seriously ill child. The employer failed to properly provide the employee with the required FMLA eligibility and designation notices. The company then disciplined the employee by writing her up for tardiness and absences and ultimately fired her for violating the attendance policy, although the time off met the qualifying criteria for the FMLA.

- [Read the News Release](#)

Energy Employer Fined for Exposing Workers to Electrical Hazards

Black Hills Corp., doing business as Black Hills Energy in Pueblo, Colo.,

- [January 13 — Webinar](#)

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. @LaborSec inspects a grinder at @UAW/ @Ford Joint Apprentice Program where apprentices are trained in [#SkilledTrades](#)

was cited by the Occupational Safety and Health Administration with two safety violations after an employee, who came in contact with an energized power line while making repairs after a power interruption last July, was seriously injured. The willful violation was cited for failing to ensure workers were protected from energized overhead electrical lines while making repairs, and the serious violation was cited for failing to conduct an adequate briefing to inform employees of potential hazards associated with the job. Proposed penalties total \$75,000.

- [Read the News Release](#)

Plastic Bag Manufacturer Exposed Workers to Amputation Hazards

Evergreen Plastics Inc. in Houston was cited with 17 violations by the Occupational Safety and Health Administration after two separate safety and health inspections conducted last July. The safety inspection was conducted under OSHA's National Emphasis Program on Amputations. Twelve serious safety violations were cited for failing to establish an energy control program system consisting of training, procedures and periodic inspections to ensure that, during maintenance, the equipment does not unexpectedly start up, energize or release stored energy.

- [Read the News Release](#)

Two Tennessee Miners Receive Back Wages in Bias Cases

The department has settled two discrimination cases with Nyrstar Tennessee Mines in Smith County, Tenn. According to the settlement, an administrative law judge with the Federal Mine Safety and Health Review Commission ordered the mine operator to pay back wages, front pay and compensatory damages to two miners who were terminated from their jobs at the Elmwood/Gordonsville Mine. In addition, the mine operator is required to pay civil penalties totaling \$22,000 for its alleged violations of the Federal Mine Safety and Health Act of 1977.

- [Read the News Release](#)

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